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July 20, 2020

Hon. Valerie Caproni  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square, Room 240  
New York, NY 10007

**MEMO ENDORSED**

Re: Almanzar v. Millenium Hotels  
Case No. 18 cv 06811

Dear Judge Caproni:

I represent the Plaintiff in this employment discrimination case (age and disability). This letter is submitted for two purposes.

First, to respectfully request that the Court order Defendant to provide to Plaintiff a printable and downloadable copy of his deposition transcript. Many months ago, prior to the currently pending motion for summary judgment, Defendant provided to me by email a PDF copy of the transcript which is password protected so that I can read it but cannot print it or upload any part of it as an exhibit on the Court's ECF system. I have made the request of defense counsel verbally and in writing many times over the past eight or nine months for a printable and downloadable transcript, to no avail, and so I now seek Court assistance.

Second, I learned last week that my client Roberto Almanzar passed away on June 11, 2020. His daughter (who is an attorney) is in the process of seeking the appropriate limited letters of administration in the surrogates court, and at the appropriate time I will be making a substitution application under Rule 25(a)(1).

Respectfully Submitted,

/S/  
Jared Lefkowitz

Defense counsel is directed to provide a copy of Plaintiff's deposition transcript that is capable of being uploaded to ECF, no later than **July 22, 2020**. The Court, however, notes Plaintiff's counsel's lack of diligence in submitting a completed declaration; even if opposing counsel was unresponsive, he should have raised the issue promptly with the Court, rather than waiting for a reminder from chambers as to his incomplete declaration. Additionally, any number of free software also could have removed the password protection from the transcript.

Due to Mr. Almanzar's passing, the action is hereby STAYED for 90 days pursuant to Rule 25(a)(1). If no motion for substitution is filed on or before **October 19, 2020**, the action will be immediately dismissed. *See* Fed. R. Civ. P. 25(a)(1) ("If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.").

The Clerk of Court is respectfully directed to stay the case and all pending motions.

SO ORDERED.

Date: 07/20/2020



HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE